రిజిష్టర్డు నెం. ఎ-118



గుంటూరు జిల్లా రాజపత్రము

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అధికారమువలన ప్రచురించబడినది.

నెం. 3(1)	గుంటూరు, 2011వ సంవత్సరము, మార్చి నెల, 25వ తేది, శుక్రవారము

Copy of :-

PROCEEDINGS OF THE COLLECTOR & DISTRICT MAGISTRATE, GUNTUR

Present : SRI B. RAMANJANEYULU, I.A.S.,

[Proceedings Rc. 566/01/C4, Dated : 5-2-2011]

Sub : CASTE VERIFICATION - Guntur District - Guntur Mandal & Town - Enquiry conducted by the District Level Scrutiny Committee of the verification of caste certificate of Kum. Kaja Naga Ganesh Neelima, D/o Durga Prasada Rao - Cancellation of "Bentho Oriya" (ST) Caste Certificate - Orders - Issued.

Read :
1. D. O. Lr. No. 6181/CV.2/98-1, dated 28-4-1998 of the Additional Secretary to Govt., Secretariat Buildings, Hyderabad.
2. This Office Rc. 3539/98/E2/, dated 26-6-1998 addressed to the Revenue Divisional Officer, Guntur.
3. Rc. No. 4255/2000/F, dated 17-2-2001 from the Revenue Divisional Officer, Guntur.
4. This Office Rc. 566/2001/C4, dated 20-8-2001 addressed to the Revenue Divisional Officer, Guntur.
5. Rc. No. 1710/05/H, dated 25-1-06 from the Revenue Divisional Officer, Guntur.
6. Findings of the D. L. S. C., dated 4-12-2010.
7. This Office Notice, dated 21-12-2010.
8. Representation of Smt. K. N. G. Neelima, dated 3-1-2011.

* * * * *

ORDER :

The Additional Secretary to Government, Social W elfare, Hyderabad has requested to verify the Social status of Smt. Kaja Naga Ganesh Neelima, D/o Durga Prasada Rao, U. D. C., Tobacco Board of Guntur Town and Mandal as a complaint was received alleging that Smt. K. N. G. Neelima D/o Durga Prasada Rao does not belong to ST Community (Bentho Oriya).

The Revenue Divisional Officer, Guntur in Rc. No. 1710/05/H, dated 25-1-2006 has reported that the Mandal Revenue Officer, Guntur who enquired into the caste certificate of Smt. K. N. G. Neelima D/o Durga Prasada Rao has reported that the father of the person stated that they belong to Bentho Oriya community (ST) and they had no relatives or people of their community in Guntur to enquire about the genuinity of their caste. As there are no persons belonging to their community in Guntur to verify her social status, Mandal Revenue Officer, Guntur requested that the matter may be referred to District Level Scrutiny Committee. The Revenue Divisional Officer, Guntur has further reported that he also personally enquired into the matter and his enquiry revealed that there are no persons in Guntur District belonging to the caste. He recommended that the matter may be placed before the DLSC.

The Collector & District Magistrate, Guntur instructed to place the matter before the DLSC.

The DLSC meeting was conducted on 31-1-2007 Smt. Kaja Naga Ganesh Neelima attended the DLSC meeting and statement was recorded from her.

She stated that she is residing at Chilnakavari Street, Railpet, Guntur from 10 years. Her parents are Surya Kumari and Durga Prasada Rao, at present they were died. Her father died 5 years back. Her parents had two children (1) Kaja Naga Ganesh Neelima and Naga Anil Kumar. Her parents belong to Bentho Oriya (ST). Her father worked as Office boy in Nava Bharat Enterprises Company. Her mother was house wife. Her father Durga Prasada Rao studied 5th form in S. K. P.V.V. High School at V ijayawada, from 1963 to 1964. Her native place is Tekkali V illage of Srikakulam District. Her forefather migrated from Srikakulam to V ijayawada, her father studied upto 9th class at V ijayawada. After that for employment purpose her father came to Guntur and settled. Smt. Kaja Naga Ganesh Neelima is residing at Guntur from birth. Her mother's native place is Tenali. Her grand father's name is Gangaraju and belongs to Bentho Oriya (ST). They had two children (1) Surya Kumari (individual'smother) and Surya Prakash (individuals maternal uncle), their surname isKhandavalli. Her maternal uncle is illiterate and working as painter in Guntur and had three children, studing 3rd 5th and 6th classes in V ijetha Public School at Nehru Nagar, Guntur. She did not know which caste was mentioned in their school records. Her maternal uncle married Nageswari belonging to Bentho Oriya (ST). She also is illiterate. The relatives of Neelima are residing in V ijayawada, Ramesh (uncle's son) Rajesh and Suresh working in Railways. Kaja Narasimha Rao working as Assistant Commissioner and retired from service and residing at V ijayawada. Goberu Srinivasa Rao working in Canara Bank. Goberu Krishna (Her grand mother's brother's son working as Lawyer in Nandigama. Kaja Seshagiri Rao (grand father) worked in SBH and retired and residing at Jaggayyapet. She further stated that she will produce the relatives addresses in two or three days. She married Narayanamurthy in 1996 belonging to Bentho Oriya (ST) and working with a Chillies Commission Agent. She studied BA in AC College and got employment and working as UDC in Tobacco board. Prior to this she got job through APPSC as Telugu in MPDO's office at Savalyapuram. Her caste was recorded as Bentho Oriya in all her tudy records. She did not avail any benefits or scholarship from the Government. She got employment as Bentho Oriya (ST). Her brother studied B. Sc., in TJPS College and presently residing at Hyderabad for employment purpose. His caste was recorded as Bentho Oriya in 10th class TC.

She produced the following certificates to prove her community.

1. KNG Neelima 8th to 10th study certificate.
2. Caste certificate issued by the Tahsildar, Guntur, dated 16-6-1984.
3. Degree AC College TC.
4. Employment Registration Card.
5. KNG Neelima, Caste Certificate issued by the Tahsildar, Guntur, dated 21-2-1996.
6. KNG Neelima, Caste Certificate issued by the Tahsildar, Guntur, dated 1-10-1991.
7. KNG Neelima, Integrated caste certificate issued by the Tahdsildar, Guntut, dated 8-11-1996.
8. Kaja Naga Anil Kumar 10th class TC (Jalagam Rama Rao Memorial Municipal High School, Guntur).
9. Kaja Naga Anil Kumar (individual's brother) caste certificate issued by the Tahsildar, Guntur, dated 16-6-1984.
10. Kaja Naga Anil Kumar (individual's brother) caste certificate issued by the Tahsildar, Guntur, dated 24-7-1992.
11. Kaja Naga Anil Kumar (individual's brother) caste certificate issued by the Tahsildar, Guntur, dated 16-6-1994.
12. Durga Perasada Rao (her father) study certificate (SKPVVHS), Gandhinagar, Vijayawada).

She has no relatives at Guntur except the above relatives. She did not know the names and addresses of her relatives residing at Tekkali Village and that she will produce the addresses of her relatives and her husband's certificates. She did not know her caste profession and reiterated that her parents, herself and her brother belong to Bentho Oriya (ST).

The DLSC meeting was conducted on 21-2-2007. In DLSC the Joint Collector & Additional District Magistrate & Chairman for DLSC instructed that the matter any be referred to TCR & TI to enquire into the matter and to send the enquiry report.

The Commissioner of Tribal Welfare, Hyderabad has reported that Smt. Kaja Naga Ganesh Neelima has attended their office along with her husband and furnished information abour their community, surnames, clans, relatives and other about her ST status claim.

Basing on the genealogical and ethnographic information and documentary evidences produced by her it is observed that they are the permanent residents of Guntur. She prosecuted her entire education in Guntur only. Since her childhood their parents maintained her caste as belonging to Bentho Oriya. She obtained caste certificate so many times from the Mandal Revenue Officer, Guntur only on the basis of TC issued by the educational institutions and they do not have any relatives in the scheduled areas of Andhra Pradesh, all their relatives are in Vijayawada and Guntur District only.

The genealogical and ethnographic information furnished by the candidate reveals that surnames, clans, deities worshiped festivals do not tally with those of Bentho Oriya tribe candidate and her grand parents are ordinary residents of Vijayawada and they are presently living in Guntur both of which are not the traditional habitation of Bentho Oriya tribe. All of her relatives are at Vijayawada only but not in Scheduled area of A.P. Since her childhood, her parents internally maintained her caste as belonging to Bentho Oriya and entire studies were prosecuted in Guntur District only and with a malafide intention she obtained caste certificate so many times from the Mandal Revenue Officer, Guntur only on the basis of Transfer Certificate issued by the educational

institutions. The Mandal Revenue Officer, also did not follow the precedure before issue of Community Certificate to her only on the basis of TC issued by the Educational Institution and the MRO, Guntur enquiries reveal that the father of the person stated they belong to Bentho Oriya ST and they had no relatives in Guntur District.

The Commissioner also informed that basing on the genealogical and ethnographic information and documentary evidence produced by the candidate at the time of enquiry, with a malafide intention to corner the benefits of STs the candidates parents maintained records as Bentho Oriya during her entire educational records and she prosecuted her entire education in Guntur only and in the educational records of the candidates her caste was recorded as Bentho Oriya, Scheduled Tribe. The entries are made on mere declaration of the parents at the time of admission. There is no mechanism/procedure prescribed for verification of caste status at the time of admission into educational institutions and there is very possibility to enter Scheduled Tirbe status by certain parents with a malafide intention of claiming scheduled tribe reservation.

It is also informed that the above Bentho Oriya (ST) Community, Nativity and Date of Birth certificate as it is issued by the Mandal Revenue Officer, Guntur who has no jurisdiction to issue the community certificate to the candidate and it is a void document. As per G O. Ms. No. 58, Social Welfare (J2), dated 12-5-1997 the Bentho Oriya (ST) community certificate issuing authorities are all the Revenue Officers not below the Rank of RDO / Sub Collector or Asst. Collector in the state.

Finally, the Commissioner requested to place the matter before D.L.S.C. as per Act 16 of 1993 and rules there under.

The DLSC meeting under the Chairmanship of Joint Collector was conducted on 22-9-2009 at 4-00 P.M. The candidate attended the meeting but adduced no further evidence.

Further the DLSC meeting was conducted on 20-11-2009, 12-10-2010, 16-4-2010 and 1-5-2010 respectively. On 20-11-2009 the notice was returned as the individual was unavailable at the office. The individual attended on 12-1-2010 and requested 2 months time to adduce further evidence. On 1-5-2010 the individual requested to permit her absence to the DLSC meeting as she is suffering from stomach ache with Gynaec problem and joined in hospital for treatment.

The individual attended the DLSC meeting which was conducted on 22-5-2010 but failed to submit any evidence relating to her forefathers native place on Srikakulam and Visakhapatnam Districts to prove her claim.

It is submitted that the TCR & TI, Hyderabad recommended to cancel the ST Bentho Oriya caste certificate issued to Smt. Kaja Naga Ganesh Neelima as the certificate was issued by the Tahsildar, Guntur who is not competent to issue the certificate, as the Revenue Divisional Officer, is competent to issue Bentho Oriya Certificate in non scheduled areas. The caste Bentho Oriya is not prevailing in Guntur District and the individual was given fair opportunity many times to submit further evidence regarding her claim but she failed to do so except continuously submitting the caste certificate of hereself and her brother which were obtained by submitting the educational records in which their caste was entered as Bentho Oriya (ST) with a malafide intention to extract the benefits meant for genuine STs thus depriving them of their opportunities.

In view of the above observations and failure of the individual to prove her Bentho Oriya claim, the DLSC opined that the ST caste (Bentho Oriya) certificate issued by the Tahsildar, Guntur, dated 8-11-1996 need to be cancelled.

Agreeing with the recommendations of the DLSC, a notice was issued by the Collector why the Bentho Oriya (ST) Caste certificate issued to Smt. K. N. G. Neelima by the Tahsildar, Guntur, dated 8-11-1996 should not be cancelled, basing on the recommendations of the District Level Scrutiny Committee.

In reply to the notice Smt. K. N. G. Neelima offered her explanation that the suggestion is made by keeping aside all the documentary proofs which were submitted by her to prove her claim saying false or immaterial, the documentary evidences are enough to prove her claim, but the District Level Scrutiny Committee did not consider the proofs. As some candidates who were working in her office intentionally made false complaints against her by writing more than 20 letters on different dates. The concerned authorities did not enquire the persons why were they creating these allegations. At this instant she failed to produce any evidence relating to her forefathers native place on Srikakulam and Visakhapatnam Districts to prove her caste claim.

After going through the entire record and explanation offered by the individual, it was concluded that the recommendations of the DLSC on canceling the Bentho Oriya (ST) Caste Certificate issued to Smt. K. N. G. Neelima by the Tahsildar, Guntur, dated 8-11-1996 may be considered and the ST Bentho Oriya caste needs to be cancelled.

In view of the above, I. B. Ramanjaneyulu, I.A.S., Collector & District Magistrate, Guntur exercise of the powers conferred by the Government under Section 5(1) of the A. P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 16 of 1993 read with Rule 9(7) of A.P. (SC, ST and BC) issue of Community, Nativity and Date of Birth certificate Rules 1997, communicated in G. O. Ms. No. 58, Social Welfare Department, dated 12-5-1997, The "BENTHO ORIYA" (ST) caste certificate issued to Smt. Kaja Naga Ganesh Neelima, D/o Durga Prasada Rao by the Tahsildar, Guntur dated 8-11-1996 is hereby cancelled.

B. RAMANJANEYULU,
Collector & District Magistrate,
Guntur.

NOTIFICATION

In accordance with Section 5(1) of the AP (SC, ST & BCs) Regulation of Issue of Community Certificates Act 16 of 1993, read with Rule 9(7) of AP (SC, ST & BC) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997, the "BENTHO ORIYA" (ST) Caste Certificate issued by the then Mandal Revenue Officer, Guntur, dated 8-11-1996 to Smt. Kaja Naga Ganesh Neelima, D/o Durga Prasada Rao is hereby cancelled as it could not proved that she belongs to ST "Bentho Oriya".

B. RAMANJANEYULU,
Collector & District Magistrate.

Guntur,
5th February, 2011.

[Rc. No. 566/01/C4

ముద్రణ కమీషనరుగారిచే ప్రభుత్వ ప్రాంతీయ ముద్రణాలయము, విజయవాడనందు ముద్రించబడి, జిల్లా కలెక్టరుగారిచే ప్రచురించబడినది.